

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
SHREVEPORT DIVISION**

KAREEM ABDUL JOHNSON

CIVIL ACTION NO. 22-5737

VERSUS

JUDGE S. MAURICE HICKS, JR.

WAYNE SMITH, ET AL.

MAGISTRATE JUDGE MCCLUSKY

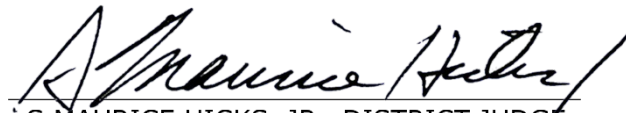
**MEMORANDUM ORDER**

Before the Court is a Magistrate Appeal (Record Document 10) filed by *pro se* Plaintiff Kareem Abdul Johnson (“Plaintiff”). Plaintiff objects to and appeals the Magistrate Judge’s Memorandum Order (Record Documents 8 & 9) dated December 22, 2022, ordering Plaintiff to submit his Complaint on approved forms and pay the full filing fee of \$402. For the reasons set forth below, the Magistrate Appeal (Record Document 10) is **DENIED** and Magistrate Judge McClusky’s Memorandum Order (Record Document 8) of December 22, 2022 is **AFFIRMED**.

The decision by Judge McClusky to order Plaintiff to submit his Complaint on approved forms and pay the full filing fee is a non-dispositive matter. This action is not listed in 28 U.S.C. § 636(b)(1)(A) as one of the dispositive motions that a magistrate judge may not conclusively decide. An order on a non-dispositive matter from the magistrate judge must be upheld unless it is clearly erroneous or contrary to law. See 28 U.S.C. § 636(b)(1)(A) & Fed. R. Civ. P. 72(a); see also Castillo v. Frank, 70 F.3d 382, 385 (5th Cir. 1995). The Court will review the Magistrate Judge’s legal conclusions *de novo* and will review her factual findings for clear error. See Bedingfield v. Deen, No. 09-369, 2011 WL 1044397, at \*1 (W.D. La. Mar. 18, 2011).

Plaintiff filed a written memorandum outlining the basis for his appeal. The memorandum seems to object to Magistrate Judge McClusky's order to pay the full filing fee of \$402. The Court conducted a thorough review of the Memorandum Order issued on December 22, 2022. Upon review, the Court finds the Memorandum Order was neither clearly erroneous nor contrary to law. The Court agrees with Magistrate Judge McClusky's finding that Plaintiff must submit his Complaint on approved forms and pay the full filing fee of \$402. Magistrate Judge McClusky explained that Plaintiff cannot proceed *in forma pauperis* because he has, in at least three separate proceedings, filed complaints that have been dismissed as frivolous, malicious, or have failed to state a claim upon which relief can be granted. The Court also notes that in a previous Motion for Extension (Record Document 4), Plaintiff cites several other lawsuits that he has filed against numerous defendants since 2021. Magistrate Judge McClusky's Memorandum Order merely cites three instances in which Plaintiff's complaints were dismissed as frivolous, malicious, or failed to state a claim upon which relief can be granted. The Court is thus bound by 28 U.S.C. § 1915(g) and Plaintiff may not proceed *in forma pauperis*. He must pay the full filing fee of \$402. Therefore, the Memorandum Order (Record Document 8) is **AFFIRMED**, and Plaintiff's appeal (Record Document 10) is **DENIED**.

**THUS DONE AND SIGNED**, in Shreveport, Louisiana, on this the 10th day of January, 2023.

  
S. MAURICE HICKS, JR., DISTRICT JUDGE  
UNITED STATES DISTRICT COURT